

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BETTY ONDRIS,
Plaintiff,
v.
B&T FINANCIAL SERVICES, LLC,
Defendant.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, BETTY ONDRIS (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, B&T FINANCIAL SERVICES, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Nebraska, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

7. Plaintiff is a natural person residing in Omaha, Douglas County, Nebraska.

8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.

10. Defendant is a collection agency with a business office in Germantown, Maryland.

FACTUAL ALLEGATIONS

11. Defendant places collection calls to Plaintiff seeking and demanding payment of an alleged debt.

12. Defendant has been calling Plaintiff in an attempt to collect a debt for over a year.

13. Defendant calls Plaintiff on her home telephone, at 402-952-510.

14. Defendant calls Plaintiff from, 877-686-0044.

15. Defendant threatened to file a lawsuit against Plaintiff. To date, no lawsuit has been filed.

16. Defendant threatened Plaintiff's grand daughter, Amber Coggins to sue Plaintiff if she did not pay the alleged debt (see Exhibit A).

17. Defendant threatened to throw Plaintiff in jail if she did not pay the alleged debt.

18. Defendant fails to identify the name of the company calling.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure of the caller's identity because Defendant does not state that the call is from B& T Financial Services.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit against Plaintiff when Defendant has not and does not intend to take such action.
- e. Defendant violated §1692e(7) of the FDCPA by falsely representing that Plaintiff committed a crime when Defendant threatened to have Plaintiff thrown in jail.
- f. Defendant violated §1692e(10) of the FDCPA by using false, deceptive, and means to collect a debt because Defendant threatened Plaintiff's grand daughter to file a lawsuit against Plaintiff.
- g. Defendant violated §1692e(10) of the FDCPA by using false, deceptive, and means to collect a debt because Defendant threatened to throw Plaintiff in jail if she did not pay the alleged debt.

WHEREFORE, Plaintiff, BETTY ONDRIS, respectfully requests judgment be entered against Defendant, B&T FINANCIAL SERVICES, LLC, for the following:

20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

21. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
23. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BETTY ONDRIS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Michael S. Agruss
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VERIFICATION OF COMPLAINT AND CERTIFICATION**STATE OF NEBRASKA**

Plaintiff, BETTY ONDRIS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, BETTY ONDRIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1-9-11

Date



BETTY ONDRIS

EXHIBIT A

Amber Coggins

6631 Lenoir Dr.

Port Richey Fl,34668

Re:Betty Ondris Against b&t Finincail Services

My Grandmother has been recieving the Phone Calls from the Firm regarding the Past Due Account in which her Son Stole Her Credit Card and used it without her Authorization. Charges to My Knowledge against her son were filed.

The Caller from B&T Called Myself and My Mother Looking for Betty. My Husband and I were told by the Caller that if Betty Didn't Pay the Above Named debt that she would be either going to Jail. That she would be having a Law suit against her and that they would liquidate all of her assets as well.

My Husband spoke with the Callers Supervisor in which he was told by the Supervisor the same thing.

Betty was Paying the debit off until she Moved into assisted Living because she wanted it removed from her records as she didn't owe it nor Authroized her son do do this.

B&t Needs to be going after her Son Joesph A.Ondris

Regarding the Charges.

Her Son has also threatned My Grandmother to Pay the Debit in which he is a Stock Broker so He too has Been threatning her to Pay Debits on this Account in which she dosen't owe.

Mr. Ondris Refueses to Pay Any thing that he stole from His Mother Back Regarding this Manner.

Thanks:

Amber L. Coggins